

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RIMSYS, INC.,

Plaintiff,

v.

KAREN COHN,

Defendant.

Civil Action No. 2:23-cv-1630

**DEFENDANT KAREN COHN'S MOTION FOR
EVIDENTIARY HEARING ON RIMSYS'S MOTION FOR PRELIMINARY INJUNCTION**

Defendant Karen Cohn files this Motion for an Evidentiary Hearing on Rimsys, Inc.'s Motion for Preliminary Injunction and respectfully moves the Court to Order an evidentiary hearing with respect to the same. In support thereof, Ms. Cohn states as follows:

1. Defendant Karen Cohn is entitled to the required evidentiary hearing on Plaintiff's Motion for a Preliminary Injunction. As a matter of Third Circuit precedent and fundamental fairness, Ms. Cohn should be heard in open Court to defend against Plaintiff's effort to prevent her from working for her desired employer. The facts in this matter are hotly disputed, with Plaintiff making bald claims that Ms. Cohn denies. A hearing should be held. *Corp. Synergies Grp., LLC v. Andrews*, 775 F. App'x 54, 60 (3d Cir. 2019) ("[A]s a general principle, the entry or continuation of an injunction requires a hearing"); *United Tel. Workers, AFL-CIO v. W. Union Corp.*, 771 F.2d 699, 707 (3d Cir. 1985) (reversing as "clearly erroneous" district court's refusal to afford defendant evidentiary hearing where factual disputes remained, and ordering that defendant was "entitled to an evidentiary hearing, at which witnesses may testify").

2. For these reasons, and for the reasons set forth in Ms. Cohn's accompanying Memorandum of Law in Support of Evidentiary Hearing on Rimsys's Motion for Preliminary Injunction, which is incorporated by reference, Ms. Cohn respectfully requests that the Court Order an evidentiary hearing on the same.

3. Counsel for Ms. Cohn have conferred with Rimsys on this motion. Rimsys has represented that it does not believe a hearing is necessary.

WHEREFORE, for the reasons set forth above, Ms. Cohn respectfully requests that this Court hold an evidentiary hearing on Rimsys's Motion for Preliminary Injunction.

Dated: October 3, 2023

Respectfully submitted,

BARNES & THORNBURG LLP

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CERTIFICATE OF CONFERRAL

I hereby certify that the parties have met and conferred on the substance of this motion and have been unable to reach agreement.

Dated: October 3, 2023

/s/ Molly Flynn
Molly E. Flynn

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed Defendant's Motion for Evidentiary Hearing on Rimsys's Motion for Preliminary Injunction, Defendant's Memorandum of Law in Support of Motion for Evidentiary Hearing on Rimsys's Motion for Preliminary Injunction, and Defendant's Proposed Order using the Court's CM/ECF system on October 3, 2023, which will send notification of filing to those attorneys registered with the Court on October 3, 2023.

/s/ Molly Flynn
Molly E. Flynn (PA ID No. 205593)